

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCESTransfer No. 74742APPLICATION FOR TRANSFER OF WATER RIGHT
PART 1Name of Applicant John and Barbara Beller Phone 208-525-8738Mailing address 3008 Wild Rose, Idaho Falls, ID 83402 Email jbeller@portageinc.com

A. PURPOSE OF TRANSFER

1. ☒ Change point of diversion ☐ Add diversion point(s) ☒ Change place of use
☐ Change nature of use ☐ Change period of use ☐ Other _____
2. Describe the reason for the proposed changes The point of diversion does not match the water rights as decreed.

B. DESCRIPTION OF RIGHT(S) OR PORTION THEREOF, AFTER THE REQUESTED CHANGE

1. Right Number	Priority	Amount (cfs/ac-ft)	Nature of Use	Period of Use
<u>34-00856H</u>	<u>4/30/1884</u>	<u>0.8 CFS</u>	<u>Irrigation</u>	<u>Irrigation Season to</u>
<u>34-00282B</u>	<u>6/01/1897</u>	<u>0.4 CFS</u>	<u>Irrigation</u>	<u>Irrigation Season to</u>
				<u>to</u>
				<u>to</u>

2. Total amount of water being transferred 1.2 cubic feet per second and/or _____ acre-feet per annum.3. Source of water Big Lost River tributary to _____ Sinks _____

4. Point(s) of Diversion:

Lot	¼	¼	¼	Sec	Twp	Rge	County	Local name for diversion
	NE	NW	NE	24	6N	25E	Custer	Lower Burnett Ditch

5. Lands irrigated or place of use:

Twp	Rge	Sec	NE ¼				NW ¼				SW ¼				SE ¼				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
6N	26E	20							~~40~~			~~40~~	35						85

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Total Acres 85

PART 1

6. General Information:

a. Description of diversion system _____

b. Are the lands from which you propose to transfer the water right subject to any liens, deeds of trust, mortgages, or contracts?
 _____ Yes x No. If yes, provide a notarized statement from the holder of the lien, deed of trust, mortgage or contract agreeing to the proposed changes.

c. Describe the affect on the land now irrigated if the place of use is changed pursuant to this transfer:
 NA

d. Remarks:
Reference letter dated December 12, 2007 from Nick Miller (Water Distribution Section IDWR)
noting error in point of diversion and noting that the diversion "has occurred for a number of years
and may not be substantially different from what was occurring at the commencement of the SRBA."

ACTION OF THE DIRECTOR, DEPARTMENT OF WATER RESOURCES

This is to certify that I have examined Application for Transfer of Water Rights No. _____

And the said application is hereby _____, subject to the following conditions:

Witness my hand this _____ day of _____, 20_____.

 For the Director

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

In Re SRBA)
)
Case No. 39576)
_____)

PARTIAL DECREE PURSUANT TO
I.R.C.P. 54(b) FOR

Water Right 34-00856H

1997 DEC 10 PM 3:10

DISTRICT COURT-C
TWIN FALLS CO., IDAHO
FILED _____

NAME & ADDRESS: JOHN M BELLER
BARBARA A BELLER
3008 WILD ROSE
IDAHO FALLS ID 83402

SOURCE: BIG LOST RIVER TRIBUTARY: SINKS

QUANTITY: 0.8 CFS

PRIORITY DATE: 04/30/1884

POINT OF DIVERSION: T06N R25E S24 NWNWNE Within CUSTER County

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE IRRIGATION	PERIOD OF USE Irrigation Season	QUANTITY 0.8 CFS
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PLACE OF USE:	IRRIGATION	Within CUSTER and BUTTE Counties
	T06N R26E S20	SWNW 10 NWSW 40
	50 ACRES TOTAL	

RULE 54(b) CERTIFICATE

With respect to the issues determined by the above judgment or order, it is hereby CERTIFIED, in accordance with Rule 54(b), I.R.C.P., that the court has determined that there is no just reason for delay of the entry of a final judgment and that the court has and does hereby direct that the above judgment or order shall be a final judgment upon which execution may issue and an appeal may be taken as provided by the Idaho Appellate Rules.

DANIEL C. HURLBUTT, JR.
PRESIDING JUDGE
Snake River Basin Adjudication

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

74742

In Re SRBA)
Case No. 39576)
_____)

PARTIAL DECREE PURSUANT TO
I.R.C.P. 54(b) FOR

1997 DEC 10 PM 3:06

Water Right 34-00282B

DISTRICT COURT-SEAL
TWIN FALLS, IDAHO
FILED

NAME & ADDRESS: JOHN M BELLER
BARBARA A BELLER
3008 WILD ROSE
IDAHO FALLS ID 83402

SOURCE: BIG LOST RIVER TRIBUTARY: SINKS

QUANTITY: 0.4 CFS

PRIORITY DATE: 06/01/1897

POINT OF DIVERSION: T06N R25E S24 NWNWNE Within CUSTER County

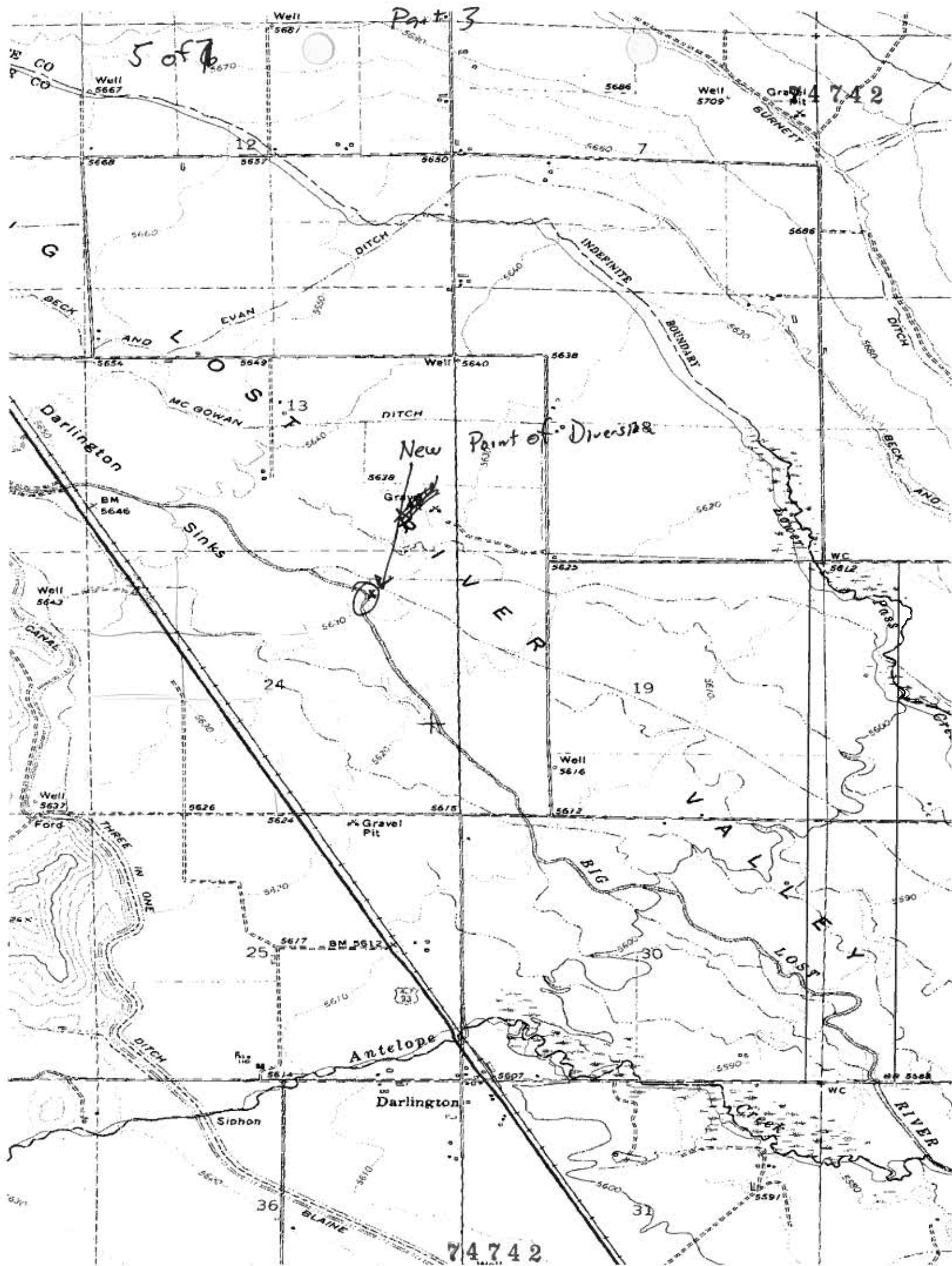
PURPOSE AND PERIOD OF USE:	PURPOSE OF USE IRRIGATION	PERIOD OF USE Irrigation Season	QUANTITY 0.4 CFS
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PLACE OF USE:	IRRIGATION T06N R26E S20 35 ACRES TOTAL	Within CUSTER County SWSW 35
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RULE 54(b) CERTIFICATE

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DANIEL C. HURLBUTT, JR.
PRESIDING JUDGE
Snake River Basin Adjudication



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5612

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5605

GNW

20

NWSW

PLACE OF
USE

SW SW

Creek

5591

6N
26E

RUTTE
CUSTER C.

5590

74742

PART 3

B. CHANGES IN NATURE OF USE

1.

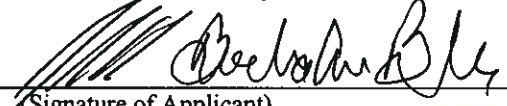
<u>New Nature of Use</u>	<u>Amount(cfs/af-ft)</u>	<u>Hours/days/year</u>	<u>Period of Use</u>
NA			to
			to

2. Quantity and quality of return flows and location of discharge: NA

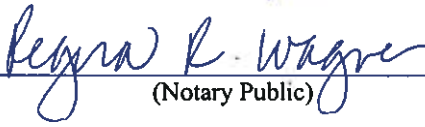
3. Describe effects on other water uses resulting from the proposed change: NA

I hereby assert that no one will be injured by such change and that the change does not constitute an enlargement in use of the original right. The information contained in this application is true to the best of my knowledge.

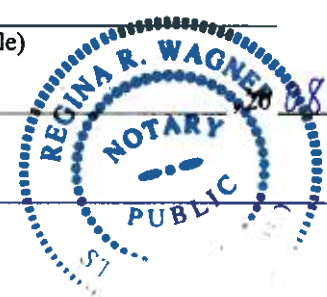
I understand that any willful misrepresentations made in this application may result in voiding its approval.

 John Beller
(Signature of Applicant) Print Name (and title, if applicable)

Subscribed and sworn to before me this 16th day of April

 Regina R. Wagner
(Notary Public)

My commission expires 11/14/2011



FOR DEPARTMENT USE ONLY

Transfer contains 7 pages and _____ attachments

Received by _____ Date _____ Protest filed by _____

Prelim. Check by _____ Fee \$290 EO33975

Received by _____ Date _____

Published in Challis Messenger Copies of protest forwarded by _____

Pub. Dates _____ Hearing held by _____ Date _____

Watermaster recommendations requested on _____ Recommended for ☐ approval ☐ denial

_____ received _____ by _____

Copy of transfer sent to lien holder _____